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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,951	10/19/1999	PAUL LIESENBERG	081862.P152	3474

7590

09/05/2002

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/420,951

Applicant(s)

LIESENBERG, PAUL

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 3 - 5, 7 - 9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat 6,292,478 (Farris.)

As to claims 1, 3 - 5, 7 - 9, 11 and 12, Farris teaches a telecommunications system wherein the system includes a routing and administration server (RAS) 480 that includes routing table/databases for associating IP addresses of an Internet Telephony Server (ITS) 472, ITS 472 typically being connected to a central office, with the telephone numbers the telephone network 462 serves, those telephone numbers having an area code/NNX designation. Furthermore, note that for all practical purposes, transmitting update messages are inherent in telephony systems for the purposes of

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updating data or records, noting changes in system status etc. (Abstract, Figs. 9, 13A, 13B, Col. 12, line 60 – Col. 14, line 6)

Also note that in Figs. 13A and 13B and 14, included in the routing tables are Area code, NNX, ITS address (IP address) and further associated there with are labels such as ITS_A and ITS_B indicate a label to further distinguish or simply identify a certain ITS past it's associated IP address which would be all that would be necessary to route a call thereto.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 6,292,478 (Farris.)

Farris has been discussed above. What Farris fails to teach is the assigning of an IP address to a central office.

As discussed above, the IP address refers to an ITS. However, as also discussed above, the ITS is connected to a central office. For all intensive purposes, the ITS allows an IP address to be associated with telephone numbers being served by a central office. Simply, that the functionality is taken outside of the central office and put into the ITS. However, as the ITS is connected to the central office it would have

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been obvious for one skilled in the art at the time the invention was made to have implemented the functionality of the ITS in the central office as such would only be a design choice or preference.

3. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 6,205,135 (Chinni et al.)

As to claims 1, 4, 5, 8, 9, and 12, Chinni et al. teach an access platform for internet-based telephony wherein the alternate access platform 100 receives a call request identified by its area code and based on that area code routing the call to another alternate access platform serving the terminating/called number, wherein the terminating/called number is served by that other alternate access platform which is identifiable by an IP address associated therewith.

What Chinni et al. do not teach is the assigning of a label based on the IP address and determining a "prefix" number.

As to the issue of a label, such an assignment would be obvious to one skilled in the art as it is simply a design choice or preference. In having the "label" step or feature, a system simply has another translation to perform, such a translation being arbitrary and having no patentable bearing on the instant invention. For example, one skilled in the art could have easily implemented another grouping where instead of IP address Y being mapped directly to Central Office Z, IP address Y is mapped first to Label X, after which label X is then mapped to Central Office Z.

As to the issue of a "prefix" number, again this is feature that would have been obvious to one skilled in the art at the time the invention was made. Chinni et al. teach using the area code to map a call to the alternate access platform. Given a situation wherein the invention of Chinni et al. would be used in a telephony network having more than one local exchange or central office, etc. it is obvious if not inherent that the invention would have to further group the associated IP addresses, i.e., looking beyond the area code of a dialed number to the prefix. Using a prefix number to distinguish or route numbers is extremely old and well known in the art and most all if not all variations of such a feature have been disclosed or used in this and other telephony arts. For example, some systems will identify a routing scheme based on the NPA-NXX which is of course the area code in addition to the prefix NXX. Some systems such as Centrex systems used in large businesses for example will disregard such information for an internal call, only using perhaps the last 4 digits XXXX of an NPA-NNX-XXXX number. (Abstract, Fig. 1, Col. 1, line 55 – Col. 2, line 22, Col. 3, lines 8 – 13, lines 23 – 33, lines 50 – 57, Col. 4, lines 21 – 27, lines 49 – 53, Col. 5, lines 14 – 16, lines 33 – 35, line 40, and Col. 6, lines 4 – 26)

As to claims 2, 3, 6, 7, 10, and 11, such would be inherent in any telephony system. How else would a routing table or database be created and usable? Dialed numbers are routed, even in a POTS system using the prefix number since it is that prefix, described above, that associates a certain telephone number with the central office that serves it and a plurality of other telephone areas, presumably in a predetermined locale. Therefore, as described above and seen in Fig. 1, a certain

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plurality of telephone numbers would be served by an alternate access platform, serving a central office. It is further obvious that the alternate access platform itself, being only a server, could very well be implemented in a local exchange, central office, etc. Also, note that for all practical purposes, transmitting update messages are inherent in telephony systems for the purposes of updating data or records, noting changes in system status etc.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat 6,330,250 (Curry et al.) teach a telecommunications network. US Pat Tonnby et al. teach an access network over a dedicated medium. VocalTec information sheet/page describing the use of inherently IP-addressed gateways for use by PSTN telephones.

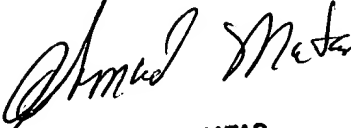
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
August 26, 2002


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